UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SONNEMAN LLC, Plaintiff, v. NAMECHEAP, INC., Defendant.	Civil Action No. 1:17-cv-04390 **COMPLAINT** **JURY TRIAL DEMANDED**

Plaintiff Sonneman LLC, by its attorneys, Hughes Hubbard & Reed LLP, for its complaint in this action alleges:

PARTIES AND JURISDICTION

1. Sonneman LLC ("Sonneman") is a limited liability company organized and existing under the laws of New York, having its principal place of business at 20 North Avenue, Larchmont, NY 10538.

2. Upon information and belief, defendant Namecheap, Inc. ("Namecheap") is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 4600 E Washington St #305 Phoenix, AZ 85034.

3. This action arises under the Trademark Act, 15 U.S.C. §§ 1051 et seq., and the common law of the State of New York.

4. Jurisdiction of this court is proper under 28 U.S.C. §§ 1331, 1332(a), 1338(a), 15 U.S.C. § 1121, and 28 U.S.C. § 1367. The parties are of diverse citizenship, and the amount in controversy exceeds the sum or value $75,000.00, exclusive of interests and costs.

FIRST CAUSE OF ACTION

(Registered Trademark Infringement and Counterfeiting)

5. Sonneman and related companies market and sell diverse lighting fixtures in United States commerce under the trademark SONNEMAN.

6. Sonneman is the owner of U.S. Reg. No. 4,311,888 for SONNEMAN as applied to table, wall, floor and desk lamps; wall sconce lighting fixtures; ceiling lamps; electric lighting fixtures; ceiling and wall lighting fixtures; and portable lamps.

7. By reason of longstanding, continuous, and substantially exclusive use in United States commerce, the trademark SONNEMAN has come to symbolize highly valuable goodwill owned by Sonneman.

8. Beginning at a time currently unknown to Sonneman, but not later than May 27, 2015, Namecheap had a contractual relationship with eNom, Inc. ("eNom"), under which eNom fulfilled orders for domain name registration services received by Namecheap.

9. Beginning at a time not currently known to Sonneman, but not later than May 27, 2015, Namecheap offered and sold a so-called "privacy service" under which Namecheap and eNom, acting in concert, registered domain names under the false name "Whoisguard Protected" and thereby knowingly encouraged and assisted third parties to engage in illegal and criminal acts including counterfeiting, trademark infringement, and consumer fraud.

10. Beginning at a time not currently known to Sonneman, but not later than May 27, 2015, Namecheap induced eNom to register the domain name lampsnext.com under the false name "Whoisguard Protected."

11. Beginning at a time currently unknown to Sonneman, but not later than January 4, 2017, the domain name lampsnext.com was being used in United States commerce and in New York to draw attention to, advertise, market, and sell counterfeit SONNEMAN lighting products.

12. Namecheap has knowingly, deliberately, and actively assisted one or more third parties to make deceptive and misleading use of the SONNEMAN trademark in United States commerce, including by (i) offering a so-called "privacy service" by which Namecheap, for a special fee, arranges for eNom to register domain names under false names and thereby encourages and actively assists third parties to engage in trademark infringement, false advertising, counterfeiting, copyright infringement, and other unlawful acts to conceal their true identities; (ii) acting as the registrant of the domain name lampsnext.com and thereby allowing itself to be used as a "front" for third parties engaged in trademark infringement, false advertising, counterfeiting, copyright infringement, and other unlawful acts; (iii) actively concealing the identities of persons engaged in trademark infringement, false advertising, counterfeiting, copyright infringement, and other unlawful acts and thereby assisting such persons to evade detection and prosecution; and (iv) soliciting, receiving, and retaining money from third parties for performing the acts referred to in subparagraphs 12(i) - (iii), above.

13. The conduct of Namecheap alleged in paragraph 12, above, has been committed knowingly, deliberately, and willfully, and was a material contributing cause of infringement and counterfeiting of the SONNEMAN trademark.

14. By engaging in the conduct described in paragraphs 8-13, above, Namecheap has contributed to, and aided and abetted, use of the SONNEMAN trademark and in a manner that is likely to cause confusion, to cause mistake, or to deceive as to the origin, sponsorship, or approval of lighting products depicted and described on web pages associated with the domain name lampsnext.com.

15. The conduct of Namecheap described in paragraphs 8-14, above, has caused and threatens Sonneman with irreparable injury for which Sonneman has no adequate remedy at law.

16. Defendant is liable to Sonneman, jointly and severally with the defendants in Civil Action No. 1:17-cv-00256, for registered trademark infringement and counterfeiting under at least 15 U.S.C. §§ 1114, 1116(d), 1117(b), and 1117(c).

SECOND CAUSE OF ACTION

(Violation of 15 U.S.C. § 1125(a))

17. Paragraphs 1-16, above, are realleged and incorporated by reference as if set forth in full.

18. Starting not later than January 4, 2017, Namecheap actively supported, contributed to, aided and abetted, and encouraged use of commercial advertising that misrepresents the origin, sponsorship, or approval of lighting products advertised in United States commerce in New York and elsewhere.

19. Defendant is liable to Sonneman, jointly and severally with the defendants in Civil Action No. 1:17-cv-00256, for violation of 15 U.S.C. § 1125(a).

THIRD CAUSE OF ACTION

(Unfair Competition Under New York Law)

20. Paragraphs 1-19, above, are realleged and incorporated by reference as if set forth in full.

21. On information and belief, Namecheap has engaged in the conduct referred to in paragraphs 1-19, in bad faith and with full knowledge that its actions encouraged criminal and unlawful acts by persons who, if they could not conceal their identities, would be deterred and discouraged from committing such acts.

22. Defendant is liable to Sonneman, jointly and severally with the defendants in Civil Action No. 1:17-cv-00256, for unfair competition under New York law.

WHEREFORE, Plaintiff prays that the Court:

(i) Declare, adjudge, and decree that the Defendant is liable to Plaintiff for registered trademark infringement, counterfeiting, violation of 15 U.S.C. § 1125(a), and unfair competition under New York common law;

(ii) Grant injunctions directing Defendant to cease supporting, contributing to, aiding and abetting, or enabling trademark infringement, counterfeiting, violation of 15 U.S.C. § 1125(a), and unfair competition;

(iii) Award monetary relief as provided by law, including mandatory attorneys' fees under 15 U.S.C. § 1117(b), statutory damages under 15 U.S.C. § 1117(c), and punitive damages as provided by New York law;

(iv) Declare this case exceptional and award Plaintiff its reasonable attorneys' fees incurred in filing and prosecuting this action; and

(v) Award Plaintiff such other and further relief as the Court may deem just and proper.

Dated: New York, New York
June 9, 2017

HUGHES HUBBARD & REED LLP

By: *_/s/ James W. Dabney_*

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